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6 **BEFORE THE**
7 **BOARD OF REGISTERED NURSING**
8 **DEPARTMENT OF CONSUMER AFFAIRS**
9 **STATE OF CALIFORNIA**

10 In the Matter of the Accusation Against:

Case No. *2013-393*

11 **CHRISTINA ANN CONNOLLY**
1074 Tilley Circle
Concord, CA 94518

A C C U S A T I O N

12 **Registered Nurse License No. 717126**
13 **Public Health Nurse Certificate No. 72792**

14 Respondent.

15
16 Complainant alleges:

17 **PARTIES**

18 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her
19 official capacity as the Executive Officer of the Board of Registered Nursing, Department of
20 Consumer Affairs.

21 2. On or about December 17, 2007, the Board of Registered Nursing issued Registered
22 Nurse License Number 717126 to Christina Ann Connolly (Respondent). The Registered Nurse
23 License was in full force and effect at all times relevant to the charges brought herein and will
24 expire on June 30, 2013, unless renewed.

25 3. On or about January 29, 2008, the Board of Registered Nursing issued Public Health
26 Nurse Certificate Number 72792 to Christina Ann Connolly (Respondent). The Public Health
27 Nurse Certificate was in full force and effect at all times relevant to the charges brought herein
28 and will expire on June 30, 2013, unless renewed.

1 JURISDICTION

2 4. This Accusation is brought before the Board of Registered Nursing (Board),
3 Department of Consumer Affairs, under the authority of the following laws. All section
4 references are to the Business and Professions Code unless otherwise indicated.

5 STATUTORY PROVISIONS

6 5. Section 2750 of the Business and Professions Code provides, in pertinent part, that
7 the Board may discipline any licensee, including a licensee holding a temporary or an inactive
8 license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing
9 Practice Act.

10 6. Section 2764 of the Business and Professions Code provides, in pertinent part, that
11 the expiration of a license shall not deprive the Board of jurisdiction to proceed with a
12 disciplinary proceeding against the licensee or to render a decision imposing discipline on the
13 license. Under section 2811(b) of the Code, the Board may renew an expired license at any time
14 within eight years after the expiration.

15 7. Section 2761 of the Business and Professions Code, in pertinent part, states:

16 "The board may take disciplinary action against a certified or licensed nurse or deny an
17 application for a certificate or license for any of the following:

18

19 "(f) Conviction of a felony or of any offense substantially related to the qualifications,
20 functions, and duties of a registered nurse, in which event the record of the conviction shall be
21 conclusive evidence thereof.

22

23 8. Section 2762 of the Business and Professions Code, in pertinent part, states:

24 "In addition to other acts constituting unprofessional conduct within the meaning of this
25 chapter [the Nursing Practice Act], it is unprofessional conduct for a person licensed under this
26 chapter to do any of the following:

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1 "(b) Use any controlled substance as defined in Division 10 (commencing with Section
2 11000) of the Health and Safety Code, or any dangerous drug or dangerous device as defined in
3 Section 4022, or alcoholic beverages, to an extent or in a manner dangerous or injurious to
4 himself or herself, any other person, or the public or to the extent that such use impairs his or her
5 ability to conduct with safety to the public the practice authorized by his or her license.

6 "(c) Be convicted of a criminal offense involving the prescription, consumption, or
7 self-administration of any of the substances described in subdivisions (a) and (b) of this section,
8 or the possession of, or falsification of a record pertaining to, the substances described in
9 subdivision (a) of this section, in which event the record of the conviction is conclusive evidence
10 thereof.

11
12 9. Section 2765 of the Business and Professions Code provides, in pertinent part, that a
13 plea or verdict of guilty or a conviction following a plea of nolo contendere made to a charge
14 substantially related to the qualifications, functions and duties of a registered nurse is deemed to
15 be a conviction within the meaning of this article.

16 10. Section 490 of the Business and Professions Code provides, in pertinent part, that a
17 board may suspend or revoke a license on the ground that the licensee has been convicted of a
18 crime substantially related to the qualifications, functions, or duties of the business or profession
19 for which the license was issued.

20 11. Section 125.3 of the Business and Professions Code provides, in pertinent part, that
21 the Board may request the administrative law judge to direct a licentiate found to have committed
22 a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the
23 investigation and enforcement of the case.

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1 FIRST CAUSE FOR DISCIPLINE

2 (Conviction of a Crime)

3 12. Respondent is subject to disciplinary action under Business and Professions Code
4 sections 490 and 2761(f) in that she was convicted of a crime or act that is substantially related to
5 the qualifications, functions, or duties of a registered nurse. The circumstances are as follows:

6 "(a) On or about May 18, 2011, in a criminal proceeding entitled People of the State of
7 California v. Cristina Ann Connolly in Contra Costa County Superior Court Case No. 152569-0,
8 the respondent was convicted by her plea of nolo contendere for violating Vehicle Code section
9 23152(b) (driving while having a blood alcohol level of 0.08 % or higher), a misdemeanor.

10 "(b) The circumstances surrounding this conviction are that on or about September 25,
11 2010, at approximately 2253 hours, a Contra Costa County Sheriff's deputy observed a vehicle
12 traveling on east bound Mt. Diablo Boulevard near Oakland Boulevard with its right blinker on
13 and weaving. The deputy observed the vehicle weaving from the number 1 lane into the number 2
14 lane and back to the number 1 lane and that the vehicle almost collided with another vehicle
15 headed in the same direction. Thereafter, the deputy activated his overhead emergency lights to
16 in order to make a traffic stop. As the deputy approached respondent's vehicle he noticed an
17 infant asleep in her car seat in the back seat. Upon contacting Respondent, the deputy noticed that
18 her speech was slurred and she admitted to consuming red wine at her wedding. Based on the way
19 Respondent was driving and that she displayed objective signs of intoxication, the deputy
20 administered Field Sobriety Tests (FST) to determine if Respondent was under the influence of
21 alcohol. At the conclusion of the FST, the deputy formed the conclusion that Respondent was
22 under the influence of an alcoholic beverage. The deputy asked Respondent if she wanted to take
23 the Preliminary Alcohol Screening (PAS) test. Respondent consented to taking the PAS test and
24 the test results reported a Blood Alcohol Content (BAC) of .22%. The deputy then placed
25 Respondent under arrest for DUI and child endangerment. Respondent's child was released to a
26 sober family member. Respondent took another breath test at the Lafayette Police Department
27 that reported her BAC at .22% /.21%.

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1 "(c) On or about June 29, 2011, Respondent was placed on court probation for 3 years,
2 ordered to serve 10 days in the county jail, ordered to enroll and complete a drinking driver
3 program and complete an online parenting program, and to pay fines and fees totaling \$1,706.00.

4 SECOND CAUSE FOR DISCIPLINE

5 (Use of Drugs and/or Alcohol to an Extent or in a
6 Manner Dangerous or Injurious to Herself or Others)

7 13. Respondent is subject to disciplinary action under Business and Professions Code
8 section 2762(b) in that on or about September 25, 2010 respondent used alcoholic beverages to an
9 extent or in a manner dangerous or injurious to herself or others as set forth in paragraph 12,
10 above.

11 THIRD CAUSE FOR DISCIPLINE

12 (Conviction of Drug/Alcohol Related Offense)

13 14. Respondent is subject to disciplinary action under Business and Professions Code
14 section 2762(c) in that on or about May 18, 2011 respondent was convicted of a criminal offense
15 involving the consumption of alcoholic beverages to as set forth in paragraph 12, above.

16 PRAYER

17 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
18 and that following the hearing, the Board of Registered Nursing issue a decision:

19 1. Revoking or suspending Registered Nurse License Number 717126, issued to
20 Christina Ann Connolly.

21 2. Revoking or suspending Public Health Nurse Certificate Number 72792, issued to
22 Christina Ann Connolly;

23 3. Ordering Christina Ann Connolly to pay the Board of Registered Nursing the
24 reasonable costs of the investigation and enforcement of this case, pursuant to Business and
25 Professions Code section 125.3;

26 / / /

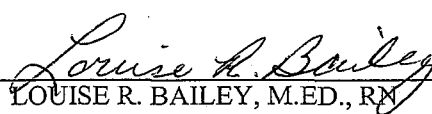
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4. Taking such other and further action as deemed necessary and proper.

DATED: NOVEMBER 14, 2012


LOUISE R. BAILEY, M.ED., RN
Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant

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